

## PENDING CLAIMS AS AMENDED

Please amend the claims as follows:

1. (Currently Amended) A method for call recovery wherein a mobile terminal's transmit power is not controlled by a base station during call recovery, comprising:
  - transmitting a pilot strength measurement message from a mobile terminal at a first transmit power level determined by the mobile terminal;
  - waiting a predetermined time period during which call recovery is not completed;
  - and
  - transmitting the pilot strength measurement message from the mobile terminal at a second transmit power level determined by the mobile terminal, wherein the second transmit power level is greater than the first transmit power level.
2. (Original) The method of claim 1 wherein the second transmit power level is a maximum transmit power level.
3. (Original) A computer program stored on a computer readable medium operative to perform the method of claim 1.
4. (Currently Amended) A method, comprising:
  - initiating a call recovery from a mobile terminal wherein the mobile terminal's transmit power is not controlled by a base station during call recovery;
  - transmitting a pilot strength measurement message from the mobile terminal at a first transmit power level determined by the mobile terminal, which first transmit power level is less than a maximum transmit power level; and
  - incrementing a transmit power level from the [[a]] mobile terminal prior to receiving a hand-off direction message and completion of the call recovery.
5. (Original) The method of claim 4, further comprising:
  - transmitting a pilot strength measurement message at each transmit power level.

6. (Original) The method of claim 5, wherein the pilot strength measurement messages are transmitted at predetermined time intervals.

7. (Original) The method of claim 5, wherein the pilot strength measurement message includes a preamble.

8. (Currently Amended) A mobile terminal ~~apparatus~~, comprising:  
an antenna;  
a processor coupled to the antenna;  
transmit circuitry coupled to the antenna and processor; and  
a first set of computer-readable instructions executable by the ~~processor~~ ~~process~~ to increment transmit power of a pilot strength measurement message from the mobile terminal during call recovery wherein the mobile terminal's transmit power is not controlled by a base station;

further instructions to transmit a pilot strength measurement message from the mobile terminal at a first transmit power level determined by the mobile terminal;  
after waiting the predetermined time period during which call recovery is not completed, further instructions to transmit the pilot strength measurement message from the mobile terminal at a second transmit power level determined by the mobile terminal, wherein the second transmit power level is greater than the first transmit power level.

9. (Currently Amended) The mobile terminal ~~apparatus~~ of claim 8, further comprising:  
a second set of computer readable instructions executable by the processor to maintain the transmit power below a maximum power level.